



Sent to Ph 23/04/2009

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3-017	00 41 22 917 92 55	23 April 2009	
Priority	To:		
IMMEDIATE	His Excellency Mr. Giovanni Caracciolo di Vietri Ambassador extraordinary and plenipotentiary Permanent Representative of Italy To the United Nations Office Permanent Mission of Italy to the United Nations Office at Geneva Fax: 022 734 67 02 - 733 07 83		
File No.			
UA Housing (2000-6) Minorities (2005-1) ITA 3/2009			
Subject: COMMUNICATION FROM SPECIAL PROCEDURES: URGENT APPEAL			

(4 PAGES ATTACHED)

Please find attached an urgent appeal sent by the Independent Expert on Minority Issues and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

We would be grateful if this communication could be transmitted at your earliest convenience to H.E. Mr. Franco Frattini, Italy Minister for Foreign Affairs.

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HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME



UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Independent Expert on Minority Issues and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

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REFERENCE: UA Housing (2000-6) Minorities (2005-1)
ITA 3/2009

23 April 2009

Excellency,

We have the honour to address you in our capacities as Independent Expert on Minority Issues and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 6/27 and 7/6.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **alleged evictions in Milan**.

According to the information received:

On 31 March 2009, a community of about 140 Roma people living under the overpass Bacula in the north of the city of Milano was evicted. The community, including many children and women, was living in an "unauthorized camp" in extremely precarious conditions, without any basic infrastructure. It is reported that the majority of the evictees had been previously evicted from other locations in the city, such as the Via Bovisasca camp of which around 600 Roma people were evicted on 1 April 2008.

Reportedly, the community was not notified prior to the eviction and no adequate alternatives have been offered. While about five families were given temporary shelter at the "Casa della carità", provided by NGOs with the support of the

His Excellency
Mr. Giovanni Caracciolo di Vietri
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Permanent Representative of Italy
To the United Nations Office

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municipality and of the *commissario straordinario ai campi nomadi*, the fate of the other evictees is unknown. Furthermore, the municipal authorities have announced that the people sheltered at the "Casa della carità" will be allowed to stay there just for a few months.

Reports indicate that since the signing on 19 May 2007 of the Milan "Pact for Security", which is inter alia aimed to address the issue of "unauthorized camps" of Roma people, seven evictions of Roma communities have been carried out in Milan and an additional eviction has been announced as imminent for the sector known as former Marchiondi, in Via Noale. Reports also indicate that following the adoption of this "Pact for security", in Milan as well as in 13 additional Italian cities where similar "Pacts" have been signed, authorities would have concentrated their efforts in dismantling "unauthorized camps" without proposing any alternative for the inhabitants. Furthermore, the housing conditions for people leaving in authorized camps would not have improved and no alternative to authorized camps would have been explored either. Allegedly, because of the nature of the camps-even some of the "authorized camps"-Roma immigrants are often denied local resident permits.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, of which Italy is a party, which holds that "the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

We would also like to draw your Excellency's attention to General Comment No.4 on adequate housing, adopted by the Committee on Economic, Social and Cultural rights in 1991. In paragraph 6 the Committee stated that "(...) individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination". Furthermore, in paragraph 7 the Committee stated that "the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity". The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources".

Furthermore, we draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 4. 1. of the Declaration states that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law." We note that the

alleged evictions of members of the Roma minority community may have additional serious implication including in regard to the welfare and the right to education of affected Roma children. In this regard we would like to seek information and assurances from your Excellency's Government that adequate provisions have been put in place for the evictees.

We urge your government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected. We also request that your Government, adopts effective measures to prevent the recurrence of acts found to be contrary to its obligations under international human rights law.

In this context, we would greatly appreciate detailed information from your Government concerning the situation described in this letter and about the steps taken by the competent authorities in compliance with the provisions of international legal instruments, particularly regarding the following questions:

1. Are the facts alleged in the above summary of the case accurate?
2. On what legal basis was the eviction carried out?
3. What measures were taken to ensure that the eviction was in accordance with Italy's obligations under international human rights law? In particular, please provide information on:
 - a) Any consultation undertaken with those affected;
 - b) Measures foreseen by the authorities to ensure that the eviction does not result in homelessness of the affected persons. In this framework, please provide information on what was foreseen in terms of alternatives for those affected and if relocation sites have been designated, please provide details on the exact location, including on access to public services and livelihood;
 - c) Any assistance, financial or otherwise provided in relation to the evictions from the occupied area.
4. Please provide information on the current situation of the families affected by the eviction.
5. Was the community and affected persons given a prior notice before the eviction? If yes, please provide the date of notification and the date after which the eviction was planned. Were the affected persons given adequate and reasonable time to withdraw their belongings before the eviction?

6. What measures have been taken to upgrade housing and accommodations of Roma people in "authorized camps" and what measures more generally have been taken to guarantee the right to adequate housing for Roma people?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.



Gay McDougall
Independent Expert on Minority Issues



Raquel Rolnik
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context